

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CATHOLIC CHARITIES  
WEST MICHIGAN,

Plaintiff,

v.

MICHIGAN DEPARTMENT  
OF HEALTH AND HUMAN  
SERVICES; ROBERT GORDON,  
in his official capacity as Director  
of the Michigan Department of  
Health and Human Services;  
MICHIGAN CHILDREN'S  
SERVICES AGENCY; JENNIFER  
WRAYNO, in her official capacity as  
Acting Executive Director of  
Michigan Children's Services  
Agency; DANA NESSEL, in her  
official capacity as Attorney General  
of Michigan,

Defendants.

---

No. 2:19-CV-11661-DPH-DRG

HON. DENISE PAGE HOOD

MAG. DAVID R. GRAND

**DEFENDANTS' MOTION  
FOR IMMEDIATE  
CONSIDERATION OF  
DEFENDANTS' MOTION  
FOR EXPEDITED  
CONSIDERATION OF  
PLAINTIFF'S  
PRELIMINARY  
INJUNCTION MOTION AND  
TO CERTIFY THE  
QUESTION OF STATUTORY  
INTERPRETATION TO THE  
MICHIGAN SUPREME  
COURT**

James R. Wierenga (P48946)  
Attorney for Plaintiff  
David, Wierenga & Lauka, PC  
99 Monroe Ave., NW  
Ste. 1210  
Grand Rapids, MI 49503  
(616) 454-3883  
jim@dwlawpc.com

David A. Cortman (GA Bar #188810)  
Attorney for Plaintiff  
Alliance Defending Freedom  
1000 Hurricane Shoals Rd. NE  
Ste. D-1100  
Lawrenceville, GA 30043  
(770) 339-0774  
dcortman@ADFlegal.org

Roger Brooks (NC Bar #16317)  
Jeremiah Galus (AZ Bar #030469)  
Attorneys for Plaintiff  
Alliance Defending Freedom  
15100 N. 90<sup>th</sup> Street  
Scottsdale, AZ 85260  
(480) 444-0020  
rbrooks@ADFlegal.org  
jgalus@ADFlegal.org

Toni L. Harris (P63111)  
Elizabeth R. Husa Briggs  
(P73907)  
Attorneys for Defendants  
Michigan Department of  
Attorney General  
Health, Education & Family  
Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 335-7603  
HarrisT19@michigan.gov

**DEFENDANTS' MOTION FOR IMMEDIATE CONSIDERATION  
OF DEFENDANT'S MOTION FOR EXPEDITED  
CONSIDERATION OF PLAINTIFF'S PRELIMINARY  
INJUNCTION MOTION AND TO CERTIFY THE QUESTION OF  
STATUTORY INTERPRETATION TO THE MICHIGAN  
SUPREME COURT**

Defendants Michigan Department of Health and Human Services (“Department” or “MDHHS”) Director Robert Gordon, MDHHS Children’s Services Agency Executive Director Joo Yeun Chang,<sup>1</sup> and Michigan Attorney General Dana Nessel, through counsel, respectfully move this Court for immediate consideration of Defendants’ Motion for Expedited Consideration of Plaintiff Catholic Charities West Michigan’s Pending Motion for Preliminary Injunction (ECF No. 11) and to Certify the Question of Statutory Interpretation to the Michigan Supreme Court (ECF No. 38).

In support of their Motion for Immediate Consideration, Defendants state:

1. Defendants are subject to potentially competing and contrary legal obligations to two different parties who sued or are suing the State in different courts. The first is two former plaintiffs in *Dumont et al. v. Gordon et al.*, Case No. 17-cv-13080 (E.D. Mich.

---

<sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, this Notice reflects the substitution of Children’s Services Agency Executive Director Joo Yeun Chang for former Acting Children’s Services Agency Executive Director Jennifer Wrayno, who was named in her official capacity.

Borman, J.), demanding that the Department enforce its nondiscrimination policy against Plaintiff Catholic Charities West Michigan and threatening to file an enforcement action with United States District Court Judge Borman. The second is Plaintiff Catholic Charities West Michigan requesting that this Court preliminarily enjoin Defendants from enforcing the State's nondiscrimination policy against it.

2. Immediate consideration is respectfully requested because Defendants an expedited resolution of Catholic Charities' preliminary injunction motion will guide the Department's conduct and minimize the risk of violating one court's order.

3. Immediate consideration of the motion to certify is necessary to expedite the process of obtaining an authoritative decision on the interpretation of the 2015 Michigan law by Michigan's highest court is necessary to determine the nature of this case going forward, which could be outcome determinative.

For the foregoing reason, Defendants respectfully request that this Court grant their Motion for Immediate Consideration.

Respectfully submitted,

Dana Nessel  
Attorney General

/s/ Toni L. Harris  
Toni L. Harris (P63111)  
Elizabeth R. Husa Briggs (P73907)  
Attorneys for Defendants  
Assistant Attorneys General  
Health, Education & Family  
Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 335-7603  
HarrisT19@michigan.gov

Dated: February 20, 2020

**CERTIFICATE OF SERVICE (E-FILE)**

I hereby certify that on February 20, 2020, I electronically filed Defendants' Motion For Immediate Consideration of Defendants' Motion for Expedited Consideration of Plaintiff's Preliminary Injunction Motion and to Certify the Question of Statutory Interpretation to the Michigan Supreme Court with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

/s/ Toni L. Harris  
Toni L. Harris (P63111)  
Assistant Attorney General  
Attorneys for Defendants  
Health, Education & Family  
Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 335-7603  
HarrisT19@michigan.gov